

Message Text

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ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 OES-05 CG-00 DOTE-00 EB-07 FEA-01

AID-05 CEQ-01 CIAE-00 OFA-01 COME-00 DODE-00 EPA-04

INR-07 IO-11 NSF-02 NSC-05 NSAE-00 PM-04 USIA-15

SS-15 SP-02 INT-05 TRSE-00 OMB-01 /107 R

DRAFTED BY L/OES/JUBAILLY:SCH

APPROVED BY L/OES - MR. OXMAN

COAST GUARD - LCDR. BROWN

EUR/NE - MR. WORRELL

EB/TT/MA - MR. BANK

OES/ENP/EN - MR. KINTER

COAST GUARD - CAPT. R. CASSANI

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R 132354Z JAN 76

FM SECSTATE WASHDC

TO AMCONSUL HAMILTON

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E.O. 11652: N/A

TAGS: SENV, BD

SUBJECT: U.S. - BERMUDIAN AGREEMENT ON OIL SPILLS

REF: (A) HAMILTON 100

(B) HAMILTON 247

(C) HAMILTON 301

1. DEPT. REGRETS DELAY IN RESPONDING TO REQUESTS ORIGINALLY MADE REFTEL (A).

2. REFTEL (A) SUGGESTS THAT GOB IS CONCERNED WITH TWO DISTINCT ISSUES: POTENTIAL GOB LIABILITY UNDER PROVISIONS OF "HOLD HARMLESS" CLAUSE, AND OVERALL REIMBURSEMENT PROVISIONS.

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2- PARAGRAPH 5 OF DRAFT AGREEMENT PROVIDES THAT THE GOVERN-

MENT OF BERMUDA WILL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE UNITED STATES, ITS AGENTS, OFFICERS, AND EMPLOYEES, FOR ANY AND ALL CLAIMS, OR LAW SUITS, ARISING OUT OF THE UTILIZATION OF UNITED STATES PERSONNEL AND EQUIPMENT PURSUANT TO THE AGREEMENT. ANY CLAIM, OR LAW SUIT, THAT ARISES FROM THE UTILIZATION OF UNITED STATES PERSONNEL AND EQUIPMENT PURSUANT TO THE AGREEMENT WOULD BE WITHIN THE SCOPE OF PARAGRAPH 5. THE COAST GUARD EXPERIENCE TO DATE HAS BEEN THAT VERY FEW CLAIMS OR LAW SUITS FOR DAMAGE OR INJURY HAVE ARISEN OUT OF COAST GUARD ACTIVITIES WHILE ENGAGED IN OIL

POLLUTION CONTAINMENT AND REMOVAL. THE POSSIBLE RISKS OF DAMAGE AND INJURY ARE THOSE NORMALLY CONNECTED WITH THE ACTIVITIES INVOLVED, AND THERE ARE SO MANY VARIABLES THAT I IS ALMOST IMPOSSIBLE TO PREDICT THE RANGE OF POTENTIAL LIABILITY OR ITS DEGREE.

4. COAST GUARD DOES HAVE COST FIGURES FOR ACTUAL OIL SPILL REMOVAL. FIGURES, BASED ON TOTAL OF 1,372 INCIDENTS, ARE ONLY FOR 1974. COST RANGES VARY CONSIDERABLY FOR ALL CATEGORIES OF SPILLS. COSTS OF MOST (74) SPILLS OF 5,000 GALLONS AND ABOVE (53 INCIDENTS) RANGED FROM BELOW \$1 TO \$7 PER GALLON DISCHARGED; 64 OF THE INCIDENTS COST LESS THAN \$3 PER GALLON. HOWEVER, A NUMBER OF INCIDENTS IN THIS CATEGORY GREATLY EXCEEDED \$7, AND IN TWO CASES, COSTS WERE MORE THAN \$100 PER GALLON DISCHARGED. OF SPILLS BETWEEN 1,000 AND 4,999 GALLONS (94 INCIDENTS), 69 COST \$7 OR LESS PER GALLON DISCHARGED; 28 BETWEEN \$7 - \$50 AND 3 ABOVE \$50. IN THE 0 - 999 GALLON CATEGORY (1,225 INCIDENTS), 34 OF THE SPILLS HAD CLEAN-UP COSTS OF \$7 OR LESS, 42 RANGED FROM \$7 - \$50, 24 WERE \$50 OR MORE, AND 17 WERE ABOVE \$100 PER GALLON DISCHARGED.

5. IN THE CASE OF THE SUPER TANKER GROUNDING AT SHOW MARU, SINGAPORE, TOTAL REIMBURSEMENT COSTS TO COAST GUARD WERE \$229,799.91, BROKEN DOWN AS FOLLOWS: EQUIPMENT - \$28,180; TRANSPORTATION (MOSTLY AIRCRAFT) - \$169,180.70; PERSONNEL - \$22,637.11; OTHER - \$9,801.10. TOTAL REIMBURSEMENT COSTS FOR THE GROU;NDING AT METULA, CHILE, TOTALLED UNCLASSIFIED UNCLASSIFIED

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\$155,638.78, BROKEN DOWN AS FOLLOWS: TRANSPORTATION - \$110,722.93; EQUIPMENT - \$11,000; PERSONNEL - \$27,844.37; OTHER - \$6,071.48. KISSINGER

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